

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
DVORKIS ET AL.

Patent No. **6,220,514**Issue Date: **APRIL 24, 2001**

For: **ELECTRO-OPTICAL SCANNER
HAVING STATIONARY,
MULTI-SURFACE MIRROR HAVING
SURFACES WITH APLANAR
PROFILES**

Attorney Docket No.
83201Date Submitted:
August 29, 2005**REQUEST FOR EXPEDITED ISSUANCE OF CERTIFICATE OF CORRECTION**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for Expedited Issuance of a Certificate of Correction under MPEP 1480.01.

Expedited issuance is requested because goods are being imported into the U.S. in violation of this patent and litigation counsel has informed me that an investigation before the International Trade Commission (ITC) under 19 U.S.C. § 337 cannot commence until the inventorship is corrected.

The application which reissued as the subject patent was filed as a divisional of serial number 09/009,231, (filed on January 20, 1998, and which subsequently issued as U.S. Patent No. 5,988,502). In filing the divisional, the invention was restricted to the invention of figure 12. On August 26, 1999, the applicant in the above-identified application filed a request that the inventorship of the application be amended to recite only the properly named

APPROVED

SEP 2 / 2005

FOR THE DIRECTOR OF USPTO
A.J.

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inventors for the figure 12 invention, namely Boris Metlitsky, Edward Barkan and Paul Dvorkis. A copy of that request is attached hereto as Exhibit A.

Exhibit A was a proper Request for a Correction of Inventorship under 37 C.F.R. § 1.48(b) and complied with 37 C.F.R. § 1.63(d)(2).

A second request to amend inventorship is indicated above was filed as part of a preliminary amendment in June 9, 1999. A copy of that preliminary amendment is attached as Exhibit B. See page 6 of Exhibit B for the second request.

Having complied properly with the provisions of 37 C.F.R. § 1.48(b) and 37 C.F.R. § 1.63(d)(2), the change in inventorship should have been granted. However, the patent issued incorrectly listing twelve inventors instead of the three properly named inventors.

In the only office action issued prior to Notice of Allowance on June 6, 2000, the Examiner did not address the Requests for Correction of Inventorship. See Exhibit C. A Notice of Allowance issued on October 23, 2000, without any action being taken to correct the inventorship. As a result, the patent issued on April 24, 2001, naming twelve inventors, only three of whom actually participated in the invention claimed in the patent.

A Certificate of Correction form PTO/SB/44 correcting the names of the inventors in accordance with the repeated requests by the applicant is attached hereto. As Exhibit D.

Since the requirements of MPEP 1480.01 have been met, and since the error is clear on the face of the file wrapper as evidenced by the attachments, applicants request expedited issuance of a Certificate of Correction.

A request under 37 C.F.R. § 1.48(b) was filed in the application which resulted in the subject patent but not acted on until after the application became a patent. As set forth in

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MPEP 1481 (page 1400-80, column 1, second full paragraph) procedurally, this request may be treated as a petition under 37 C.F.R. § 1.324 and, should be granted using form paragraph 10.14 as set forth in column 2 of page 1400-80 of the MPEP.

Applicants specifically request that this correction be made on an extremely expedited basis.

Respectfully submitted,



David L. Stewart
Telephone No. 321-725-4760
Reg. No. 37,578
Customer No. 27975

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to Cecelia Newman with the U.S. Patent and Trademark Office, Certificate of Corrections Branch, P.B. Box 1450, Alexandria, VA, 22313-1450 to 703-746-6846, on this 29th day of August, 2005.



PTO/SB/44 (04-05)

Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Note

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APPLICATION NO.: 09/328,948

ISSUE DATE : April 24, 2001

INVENTOR(S) : Paul Dvorkis, Edward Barkan, Howard Shepard, Vladimir Gurevich, Mark Krichever, Boris Metlitsky, David Tsi, Raj Bridgelall, Duanfeng He, Joseph Katz, Richard Isaac, Joel Kahn

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COVER PAGE

Delete list of inventors

COVER PAGE

Insert new list of Inventors as follows:

Inventors: Paul Dvorkis, Stony Brook;

Edward Barkan, Miller Place;

Boris Metlitsky, Stony Brook;

all of NY (US)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

David. L. Stewart
1901 S. Harbor City Blvd, Suite 507
Melbourne, FL 32901

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.